

3 FAM 4500 CIVIL SERVICE DISCIPLINARY ACTIONS

3 FAM 4510 GENERAL INFORMATION

3 FAM 4511 LEGAL AUTHORITY

(TL:PER-253; 4-17-95)

(State Only)

(Applies to Civil Service Employees)

Action	Authority
Suspensions for 14 days or less	5 U.S.C. 75, subchapter I
Removal, suspensions for more than 14 days, reduction in grade or pay, or furlough without pay for 30 days or less	5 U.S.C. 75, subchapter II

5 CFR 752 provides the regulations for implementing the statutory provisions cited in this chapter.

3 FAM 4512 AUTHORITY TO PROPOSE AND DECIDE ADVERSE ACTION

3 FAM 4512.1 Authority

(TL:PER-253; 4-17-95)

(State Only)

(Applies to Civil Service Employees)

a. The Director, PER/ER, is authorized to propose an adverse action under these regulations.

b. The Deputy Assistant Secretary for Personnel (DGP/PER) is authorized to decide an adverse action under these regulations.

3 FAM 4512.2 Authority to Redelegate

3 FAM 4512.2-1 Redelegation

(TL:PER-253; 4-17-95)

(State Only)

(Applies to Civil Service Employees)

Upon request from the executive director/officer of a bureau, the Director General of the Foreign Service and Director of Personnel may delegate the authority to propose adverse actions to an appropriate level of supervision below his or her level within the requesting bureau in conjunction with the delegation of authority to decide adverse actions to the executive director of that bureau. In the case of such delegation to the bureau level, the executive director/officer will be responsible for hearing the employee's answer and preparing the written summary which shall be made a matter of record (see 3 FAM 4522 and 3 FAM 4533).

3 FAM 4512.2-2 Advisory Capacity

(TL:PER-253; 4-17-95)

(State Only)

(Applies to Civil Service Employees)

When the authority to propose and decide adverse actions has been delegated by the Director General of the Foreign Service and Director of Personnel to the bureau level. PER/ER, in consultation with L/EP, assists and advise the bureaus and offices on adverse action procedures to insure consistency in application and the meeting of regulatory and legal requirements. The concurrence of PER/ER is required on all proposal and decision letters issued to employees under this subchapter.

3 FAM 4512.3 Revocation of Delegations

(TL:PER-253; 4-17-95)

(State Only)

(Applies to Civil Service Employees)

The Director General of the Foreign Service and Director of Personnel may revoke the delegation of authority to propose and/or decide adverse actions from the executive director/officer of that bureau.

3 FAM 4513 EMPLOYEE COVERAGE AND EXCLUSIONS

(TL:PER-253; 4-17-95)

(State Only)

(Applies to Civil Service Employees)

See 5 CFR 752.201 for employees covered.

See 5 CFR 752 752.201 (c) for exclusions.

3 FAM 4514 ACTIONS NOT COVERED

(TL:PER-253; 4-17-95)

(State Only)

(Applies to Civil Service Employees)

This chapter does not apply to:

- Decisions of OPM;
- Actions taken pursuant to specific instructions of OPM;
- Actions taken under 5 U.S.C. 7532 (to protect the security of the United States--see section 3 FAM 2220 and 12 FAM); any other similar statute which authorizes an agency to take a suspension or removal action without regard to 5 U.S.C. 7501, or the provisions of any other law;
- Reduction in force under 5 U.S.C. 3502;
- Reduction in grade of a supervisor or manager who has not completed the probationary period (5 U.S.C. 3321) if reduction is to a grade held immediately before supervisory or managerial appointment; or
- Reduction in grade or removal under 5 U.S.C. 4303 (unacceptable performance).

3 FAM 4515 THROUGH 4519 UNASSIGNED